

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES, et al.,)	
)	
Plaintiffs,)	
v.)	No. 1:23-cv-00108-LMB-JFA
)	
GOOGLE LLC,)	
)	
Defendant.)	

**PLAINTIFFS' MOTION FOR INTERIM MODIFICATIONS TO THE DISCOVERY
PLAN DUE TO GOOGLE'S NON-COMPLIANCE WITH DISCOVERY DEADLINES**

Pursuant to Federal Rule of Civil Procedure 37, and Local Rules 16(B) and 37, Plaintiffs, through their undersigned counsel, hereby respectfully submit this motion for interim modifications to the discovery plan to mitigate, in part, the prejudice to Plaintiffs arising from Google's failure to produce hundreds of thousands—and possibly millions—of documents by the deadlines imposed by this Court. Because the full extent of Google's non-compliance is still unknown, through no fault of Plaintiffs, this motion seeks only preliminary relief, given the scheduled close of fact discovery today. ECF Nos. 69 and 94. As additional information is made available by Google, Plaintiffs may need to seek supplemental relief.

Dated: September 8, 2023

Respectfully submitted,

JESSICA D. ABER
United States Attorney

/s/ Gerard Mene
GERARD MENE
Deputy Chief, Civil Division
Assistant U.S. Attorney
2100 Jamieson Avenue
Alexandria, VA 22314
Telephone: (703) 299-3891
Facsimile: (703) 299-3983
Email: Gerard.Mene@usdoj.gov

/s/ Julia Tarver Wood
JULIA TARVER WOOD
/s/ Aaron M. Teitelbaum
AARON M. TEITELBAUM
/s/ Kelly D. Garcia
KELLY D. GARCIA
/s/ Michael J. Freeman
MICHAEL J. FREEMAN

United States Department of Justice
Antitrust Division
450 Fifth Street NW, Suite 7100
Washington, DC 20530
Telephone: (202) 307-0077
Fax: (202) 616-8544
Email: Julia.Tarver.Wood@usdoj.gov

Attorneys for the United States

JASON S. MIYARES
Attorney General of Virginia

/s/ Andrew N. Ferguson
ANDREW N. FERGUSON
Solicitor General
STEVEN G. POPPS
Deputy Attorney General
TYLER T. HENRY
Assistant Attorney General

Office of the Attorney General of Virginia
202 North Ninth Street
Richmond, VA 23219
Telephone: (804) 692-0485
Facsimile: (804) 786-0122
Email: thenry@oag.state.va.us

Attorneys for the Commonwealth of
Virginia and local counsel for the
States of Arizona, California,
Colorado, Connecticut, Illinois,
Michigan, Minnesota, Nebraska, New
Hampshire, New Jersey, New York,
North Carolina, Rhode Island,
Tennessee, Washington, and West
Virginia